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Mass. Dept. of
Telecommunications & Cable

March 15, 2023

Shonda D. Green

Department of Telecommunications and Cable

1000 Washington Street, Suite 600

Boston, MA 02118-6500

Regarding: City of Westfield Gas +Electric Department Notice of Relinquishment of its Eligible
Telecommunications Carrier Designation in the Town of Royalston

Dear Ms Green:

The City of Westfield Gas and Electric Department (WG+E) wishes to relinquish our Eligible
Telecommunications Carrier status in the Town of Royalston. Enclosed is our Petition for your review.
Please contact me with any questions or implementation procedures related to this request.

Sincerely,

Richard Carnall

Senior IT Architect

WG+E/ Whip City Fiber

100 Elm Street

Westfield, MA 01085

Phone: (413) 485-1235, Email: rcarnall@wgeld.org

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

In the Matter of)	
City of Westfield Gas & Electric Light Department)	
)	
Notice of Relinquishment of Its)	Docket No. D.T.C. 23-
Eligible Telecommunications Carrier)	
Designation In Town of Royalston)	
Pursuant to 47 U.S.C. §214(e)(4))	

CITY OF WESTFIELD GAS & ELECTRIC LIGHT DEPARTMENT
NOTICE OF RELINQUISHMENT OF ITS ELIGIBLE
TELECOMMUNICATIONS CARRIER DESIGNATION IN TOWN OF
ROYALSTON PURSUANT TO 47 U.S.C. §214(e)(4)

Michael J. Hall
259 Maple Street
P.O. Box 819
Stowe, VT 05672
Tel: 802-904-3389
Email: mhall@stackpolefrench.com
Attorney for WG+E

Thomas P. Flaherty, Sr., General Manager
City of Westfield Gas & Electric Light Department
100 Elm Street, PO Box 990
Westfield, MA 01086
Tel: 413-572-0270
Eligible Telecommunications Carrier

March 8, 2023

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

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Pursuant to 47 U.S.C. §214(e)(4), 47 C.F.R. § 54.205(a), and the Department of Telecommunications and Cable's ("Department") regulations and requirements the City of Westfield Gas & Electric Light Department (hereinafter, "WG+E") hereby submits this notice of relinquishment of its eligible telecommunications carrier ("ETC") designation for service within the Town of Royalston, Massachusetts. As explained herein, this relinquishment of WG+E's ETC designation meets all applicable requirements and should be expeditiously granted.

COMMUNICATIONS REGARDING THIS NOTICE

All pleading, correspondence and communications regarding this Notice should be addressed as follows:

Michael J. Hall
Stackpole & French Law Offices
259 Maple Street
PO Box 819
Stowe, VT 05672
mhall@stackpolefrench.com

John Leary
Director of Information Technology
City of Westfield Gas & Electric Light
Department
100 Elm Street, P.O. Box 990
Westfield MA 01086
jleary@wgeld.com

BACKGROUND

On February 15, 2019 in docket D.T.C. 19-1, the Department designated WG+E as an ETC pursuant to 47 U.S.C. §214(e)(4) in various census blocks which included, among numerous other towns, the Town of Royalston, Massachusetts (the "Service Area").¹ WG+E requested designation as an ETC to permit it to receive funding that was provisionally awarded under the Federal Communications Commission's ("FCC") Connect America Fund Phase II Auction ("CAF II Auction"). WG+E has worked with numerous municipalities in the Service Area to provide broadband services to these previously unserved and underserved locations.

However, WG+E terminated its CAF II grant funding associated with the Town of Royalston upon the Town's decision not to build a municipally owned broadband fiber network and to allow another carrier to provide broadband service within the Town. To date, WG+E has never provided internet or broadband services within the Town of Royalston.

¹ See *WG+E's Petition for Designation as an Eligible Telecommunications Carrier*, D.T.C. 19-1, Order Approving Petition (February 15, 2019) ("*Designation Order*").

**I. WG+E'S REQUEST FOR RELINQUISHMENT OF ITS ELIGIBLE
TELECOMMUNICATIONS CARRIER DESIGNATION**

WG+E now wishes to relinquish its ETC designation specifically and solely for service in the Town of Royalston, Massachusetts because the CAF II funds have been withdrawn for the Town of Royalston and WG+E has no plans to provide telecommunications services in the Town of Royalston. WG+E does not presently has no prior or existing subscribers in the Town.

The Town of Royalston, Massachusetts initially indicated interest in working with WG+E to build out its own municipally owned fiber network, and for the provision of broadband service, provided that WG+E was able to secure the CAF II grant. Following its designation as an ETC in the Town of Royalston in Docket D.T.C. 19-1, WG+E continued its effort toward a plan with the Town to deliver financially viable broadband service to the community.

After numerous discussions with the Town's management WG+E was informed that the Town of Royalston had decided to pursue other options for its broadband needs. In 2019 the Town of Royalston decided not to build a municipally owned network, instead opting to accept an offer from Charter Communications to extend their network and services into the Town. (See Exhibit A attached herewith).

By this time, WG+E had been awarded the CAF II funding inclusive of funds for the Census Block that included the Town of Royalston. Shortly thereafter, WG+E transmitted a letter dated November 18, 2019, to the Federal Communications Commission (FCC) indicating that WG+E would intentionally default on the awarded Census Block Group (Census ID 250277022002 Item MA-027-7022002) which is geographically the Town of

Royalston. WG+E paid a \$3000.00 penalty to the FCC and relinquished that portion of the grant relating to the Town of Royalston.

II. WG+E'S RELINQUISHMENT OF ETC DESIGNATION COMPLIES WITH STATE AND FEDERAL LAW

WG+E's request to remove its ETC designation in the Town of Royalston complies with State and Federal Law.² Pursuant to 47 U.S.C. 214(e)(4) WG+E must demonstrate the following to relinquish its ETC status: (1) there must be more than one ETC serving in the area of the ETC seeking relinquishment; (2) the ETC seeking relinquishment must provide advance notice to the relevant state commission; (3) the customers served by the relinquishing ETC must continue to be served by an ETC; and (4) to the extent that additional facilities are required to serve any of the relinquishing ETC's customers, sufficient notice shall be provided to ensure that the construction or purchase can be timely completed. The relevant FCC rule reiterates the same requirements.³

WG+E's application for relinquishment of its ETC designation in Massachusetts complies with federal law and must be granted because: (1) there is currently more than one ETC provider in the Service Area; (2) WG+E is providing advance notice to the Department of such relinquishment; (3) WG+E has not provided any service in the Town of Royalston, and thus the remaining ETCs in the Town of Royalston are able to serve the universal service needs of consumers within their respective designated service area; and (4) no additional facilities will need to be purchased or constructed by the remaining ETCs.

1. There Is More Than One ETC Currently Servicing the ETC Service Area

² 47 U.S.C. §214(c)(4).

³ 47 C.F.R. §54.205(a).

This requirement is satisfied because the Town of Royalston is served by an ETC other than WG+E and to WG+E's knowledge that ETC remains in place today.⁴ Because at least one other ETC (in addition to WG+E) serves the Town of Royalston, applicable federal law requires the Department to permit WG+E to relinquish its ETC designation.

2. WG+E is Providing Advance Notice to the Department

Consistent with 47 U.S.C. §214(e)(4) and 47 C.F.R. § 54.205(a), WG+E is filing this notice in advance of relinquishment of its ETC designation in the Town of Royalston. This advance notice satisfies the requirement to provide advance notice to the Department of WG+E's intent to relinquish its ETC designation.

3. Remaining ETCs Will Serve Consumers

To the best of WG+E's knowledge, the designated ETCs serving the Town of Royalston will continue to serve those customers. WG+E has not provided any service to date in the Town of Royalston, thus its relinquishment of ETC status in the town will have no impact on residents' existing service or any facilities needed to serve such residents. After WG+E's ETC designated service area is revised, the residents of the Town of Royalston will remain served just as they are at the time of this Petition.

⁴ See D.T.C. Docket 21-2, *Petition of Charter Fiberlink MA-CCO, LLC and Time Warner Cable Information Services (Massachusetts), LLC for Designation as an Eligible Telecommunications Carrier*. Notice issued by the D.T.C, November 3, 2021. To WG+E's knowledge, Time Warner Cable Information Services (Massachusetts), LLC is an ETC in the Town of Royalston.

4. No Additional Facilities Will Need to Be Purchased or Constructed by Remaining Eligible Telecommunications Carriers

To the best of WG+E's knowledge, none of the remaining ETCs will be required to purchase or construct additional facilities to serve consumers within the Town of Royalston. Because remaining ETCs currently serve the Town of Royalston, and due to the fact that WG+E has not had, and did not have, any customers in the Town of Royalston the Department need not provide notice to these carriers to allow for the purchase or construction of facilities to ensure the relinquishing ETC's (WG+E) customers will continue to receive service.

5. WG+E's Relinquishment of ETC Designation Will Not Impact Any Lifeline Customers

An ETC that plans to cease offering Lifeline service in Massachusetts must, at a minimum, (1) notify its Lifeline customers and the Department 60 days in advance of the ETC's planned discontinuance of Lifeline service in Massachusetts and (2) work in good faith with its Lifeline customers and the Department to facilitate a smooth transition of customers to alternative ETCs of the customers' choice.⁵

As discussed above, WG+E does not have any Lifeline customers in the Town of Royalston. Therefore, there are no WG+E customers to notify or to transition. Accordingly, no Lifeline service will be disrupted in the Town of Royalston.

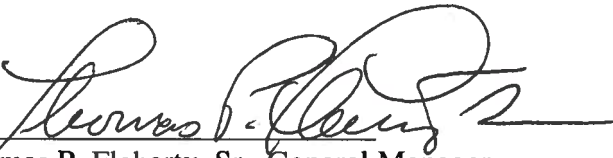
⁵ *Investigation by the Dep't on its Own Motion into the Implementation in Mass. of the FCC's Order Reforming the Lifeline Program*, D.T.C. 13-4, *Order Implementing Requirements* at 21, Appendix (Aug. 1, 2004). See also *Petition of Crocker Communications, Inc. for Designation as an Eligible Telecommunications Carrier*, D.T.C. 18-4, *Order* (Dec. 19, 2019).

III. CONCLUSION

WG+E has demonstrated that it meets all requirements for relinquishment of its ETC designation within the town. Through this notice, WG+E has complied with all requirements of 47 U.S.C. §214(e)(4) and 47 C.F.R. § 54.205.

Consistent with all applicable requirements, WG+E respectfully requests the Department expeditiously accept WG+E's notice of relinquishment of its ETC designation for the Town of Royalston.

Respectfully submitted,
City of Westfield Gas and Electric Light Department

By: 
Thomas P. Flaherty, Sr., General Manager
Westfield Gas + Electric
100 Elm St.
Westfield, MA 01085
(413) 572-0270
tflaherty@wgeld.org

Michael J. Hall
Stackpole & French Law Offices
259 Maple Street
PO Box 819
Stowe, VT 05672
(802) 904-3389
mhall@stackpolefrench.com

March 8, 2023

**Town of Sandisfield
Board of Selectmen
P.O. Box 90
Sandisfield, MA 01255
413-258-4711 ext. 2
townclerk@sandisfieldma.gov**

May 14, 2019

Matt WG+E
WG+E Communications

Dear Matt:

As you may be aware Charter Communications has also put an offer on the table for broadband service for the Town of Sandisfield. Due to all the options offered to the town in this offer, the Select board has decided to proceed with Charter's offer.

With that being said, the Select board and the residents of the Town of Sandisfield would like to thank you and your firm for all the time and effort you have put in to help the town achieve its goal of high speed internet service available to the town.

Once again, thank you.

Sincerely,


Mark Newman
Brian O'Rourke
George Riley

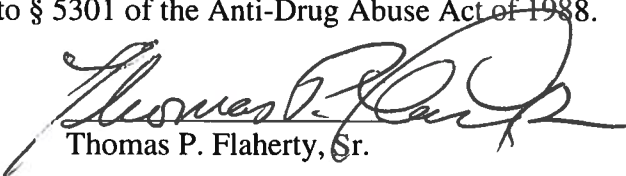
Town of Sandisfield Select Board

Exhibit B

AFFIDAVIT OF THOMAS P. FLAHERTY, SR.

I, Thomas P. Flaherty, Sr., after being duly sworn, states the following:

1. I have personal knowledge of the facts and information set forth in this Affidavit and I am competent to testify to these facts if called as a witness.
2. I am acting on behalf of WG+E, I have read the Petition to which this Affidavit is attached. I have made an appropriate inquiry of staff and others as it relates to the facts stated in the Petition and those facts are true to the best of my knowledge and belief.
3. I am the corporate officer responsible for certifying WG+E's use of federal high-cost support. Petitioner is eligible to be designated as an ETC for the Designated Service Areas outlined in the Petition within the meaning of Section 214(e) of the Act, and WG+E is eligible to receive universal service support pursuant to Section 254(e) of the Act.
4. WG+E certifies that it is a common carrier under § 214(e)(1) and 214(e)(6) of the Communications Act of 1934, as amended ("Act").
5. WG+E will use the federal high-cost support funds that it receives only to provide, deploy, upgrade and/or maintain facilities and services for which the support is intended.
6. WG+E certifies that no party to this petition is subject to denial of federal benefits, including Commission benefits, pursuant to § 5301 of the Anti-Drug Abuse Act of 1988.

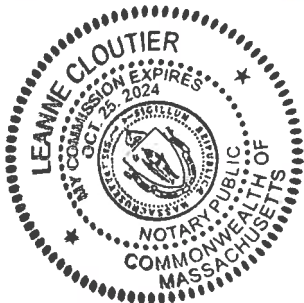

Thomas P. Flaherty, Sr.

Title: General Manager

Dated: March 8, 2023

Subscribed and Sworn to before me this 8th day of March,
2023.

NOTARY PUBLIC




3/8/23

